

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALTER J. MARTIN,

Plaintiff,

v.

Case Number 11-10216
Honorable David M. Lawson

HUNTER WARFIELD, INCORPORATED,

Defendant.

_____ /

ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE

The plaintiff filed the complaint in this case on January 18, 2011. The plaintiff served the defendant on January 21, 2011. The defendant's answer was due on February 11, 2011, but the defendant did not file an answer. No further action has occurred in this case since the defendant was served. Therefore, on May 24, 2011, the Court ordered the plaintiff to show cause in writing on or before June 2, 2011, why this case should not be dismissed for failure to prosecute. The plaintiff responded to this order by filing a Notice of Voluntary Dismissal on June 1, 2011. This document was stricken from the docket on June 6, 2011 because it contained a proposed order. Fed. R. Civ. P. 41(b) provides for involuntary dismissal "[i]f the plaintiff fails to prosecute" upon motion by the defendant. However, the Court can also dismiss the case *sua sponte* in the exercise of its inherent power to manage the docket. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-32 (1962).

Accordingly, it is **ORDERED** that the above-captioned case shall be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: June 21, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 21, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL